

Message Text

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ACTION IO-10

INFO OCT-01 CIAE-00 CU-02 INR-07 NSAE-00 USIA-06 EUR-12

ISO-00 DHA-02 SS-15 SP-02 H-02 L-03 NSC-05 PA-01

PRS-01 OIC-02 /071 W

----- 124489

R 061820Z JAN 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 6583

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NESCO

E.O. 11652: N/A

TAGS:AORG, OCON, UNESCO

SUBJECT: CANCELLATION OF MEETINGS SCHEDULED BY

GENERAL CONFERENCE

REF: (A) STATE 1355: (B) PARIS 33826

1. IN ANSWER TO QUERY IN REFTEL (A), UNESCO LEGAL ADVISER HAS STATED TODAY THAT THERE IS NO RPT NO SPECIFIC LEGAL AUTHORITY FOR THE EXECUTIVE BOARD TO CANCEL A MEETING SCHEDULED TO BE HELD PURSUANT TO A GENERAL CONFERENCE RESOLUTION.

2. INFO PROVIDED IN PARA. 7 OF REFTEL (B) SHOULD THEREFORE NOT BE INTERPRETED AS MEANING SUCH EXPLICIT AUTHORITY EXISTS. WHAT THE LEGAL ADVISER MEANT AND WHAT HE HAS RESTATED TO USDEL TODAY WAS THAT UNDER UNESCO CONSTITUTION THE XBD HAS A BROAD RESPONSIBILITY FOR THE EXECUTION OF DECISIONS AND PROGRAMS ADOPTED BY THE GENCONF. IN FULFILLING THIS RESPONSIBILITY THE EXBD "SHALL TAKE ALL NECESSARY MEASURES TO INSURE THE EFFECTIVE AND RATIONAL EXECUTION OF THE PROGRAM BY THE DIRECTOR-GENERAL." (ARTICLE V, B,

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PARA 5 (B) OF THE CONSTITUTION.)

3. IT IS THIS REFERENCE TO "EFFECTIVE AND RATIONAL EXECUTION" OF THE PROGRAM, THE LEGAL ADVISER HAS OBSERVED, THAT COULD BE INVOKED BY THE MEMBERS OF THE EXBD IF THEY FEEL THAT A PRIOR GENCONF DIRECTIVE DOES NOT LEND ITSELF TO IMPLEMENTATION OR THAT THE GENCONF WOULD NOT HAVE ADOPTED A SPECIFIC MEASURE HAD IT BEEN AWARE AT THAT TIME THAT ITS IMPLEMENTATION WOULD RUN CONTRARY TO THE CONSTITUTION OF THE ORGANIZATION.

4. ASSUMING THAT THE EXBD COULD HAVE ARRIVED AT SUCH A POSITION VIS-A-VIS THE QUESTION AT HAND, WHICH AT BEST IS VERY DOUBTFUL, IT WILL NOT MEET BEFORE NEXT APRIL. UNDER ARTICLE V, B, PARA. 8 OF UNESCO CONSTITUTION A SPECIAL SESSION OF EXBD CAN ONLY BE CONVOKED BY THE CHAIRMAN OF HIS OWN INITIATIVE OR UPON THE REQUEST OF SIX MEMBERS OF THE BOARD.

5. WE THEREFORE HAVE TO CONCLUDE THAT THE WHOLE QUESTION OF OUTRIGHT CANCELLATION OF MEETINGS SCHEDULED BY GENCONF IS NOT REALISTIC.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 06 JAN 1976
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PARIS00346
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760004-0245
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760183/aaaacvur.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 PARIS 33826
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2004 by SmithRJ>; APPROVED <20 APR 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CANCELLATION OF MEETINGS SCHEDULED BY GENERAL CONFERENCE
TAGS: AORG, OCON, UNESCO
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006